

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-8 are currently pending. Claims 1, 7 and 8 are independent and hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1, 7 and 8 were rejected under 35 U.S.C. §103 as allegedly unpatentable over U.S. Patent Publication No. 2003/0004984 to Chou in view of U.S. Patent Publication No. 2002/0087345 to Bly et al. (herein after merely “Bly”); and

Claims 2-6 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Chou, Bly and further in view of U.S. Patent Publication No. 2001/0037241 to Puri.

Applicants respectfully traverse these rejections.

First Argument

Claim 1 is representative and recites, *inter alia*:

“announcing means for announcing that the data for which use conditions have been set are usable by the users other than said disclosing user who stored data in question into said data storing means; and

...

intercepting means for establishing interception of the announcement from the disclosing user either in response to a request from the requesting user before said announcement, or after said announcement.” (emphasis added).

The Office Action of October 9, 2007 misstates the element of claim 1.

The Office Action, in rejecting claim 5, points to Puri and states, at page 7: “. . . Puri teaches ‘means for establishing either in response to a request from another user before said announcement, or after said announcement.’” However, this is not the element recited in claim 5, now in claim 1. The actual element of claim 1 is, “means for establishing interception of the announcement from the disclosing user either in response to a request from the requesting user before said announcement, or after said announcement.” (emphasis added).

The Office Action points to *Puri*, Publ. App. par. [0076] as disclosing “means for establishing interception of the announcement from a disclosing user either in response to a request from the requesting user before said announcement, or after said announcement.” However, at the cited location, Puri is describing the communication between a seller and a potential buyer. The seller communicates an offer to sell (along with additional promotional information) to the buyer and the buyer agrees to the offer by clicking a button. There is no suggestion the system in Puri intercepts a communication between a disclosing user and a requesting user.

Moreover, “intercept” of a communication, as used in the claims, is described in the specification of the present application and can not be redefined in the Office Action. *Phillips v.*

AWH Corp., 415 F.3d 1303, 1319 (Fed. Cir. 2004) (“Claims are construed in light of the specification, of which they are a part”). *See, also*, MPEP 2101.01 and MPEP 2173.05. In particular, “intercept” is described in the instant specification:

“Each member user may also intercept the designation of disclosed data from a specific disclosing party. That is, the inventive system not only allows disclosing parties to stipulate their disclosure policies but also enables receiving parties to intercept unwanted disclosed data or announcements of such disclosure from particular disclosing parties as needed or in advance. This feature offers member users a further degree of freedom in choosing the data to make use of.” Publ. App. par. [0031] and FIG. 5

That is, in an aspect of the present invention, a disclosing user can stipulate disclosure policies, or use conditions, of their disclosed data. In addition, the requesting user is enabled to intercept unwanted announcements of disclosed data from particular disclosing users. The interception is enabled to be done as needed or preemptively.

There is no suggestion in Puri of intercepting communications from a disclosing user, as defined in the instant application. Moreover, such interception is not accomplished in the context of a disclosing user and a receiving user in a data storage system having the elements recited in claim 1.

Chou and Bly do not add the element missing from Puri as discussed above.

For the above reasons, Applicants respectfully assert that claim 1 is patentable of the applied art of Chou, Bly and Puri because those references taken alone or in combination do not teach or suggest each and every element recited in the claim.

Independent claims 7 and 8 are believed patentable for substantially the same reasons as claim 1.

Second Argument

Independent claim 1 is representative and recites, *inter alia*:

“ . . . wherein the user in question can prohibit the automatic conversion of the stored data of the user in question into a format compatible with the type of terminal apparatus used by the user other than the user in question.” (emphasis added).

The Office Action of October 9, 2007 misstates the element of claim 1.

The Office Action points to Bly and states at page 4: “Bly discloses ‘and wherein the user in question can prohibit’ and ‘user other than the user in question.’” However, this is **not** the element recited in claim 1. The actual element of claim 1 is, “and wherein the user in question can prohibit the automatic conversion . . .” (emphasis added).

The Office Action points to *Bly*, Publ. App. par. [0008] as disclosing “predefined rules to prohibit unauthorized users.” At the cited location, Bly actually recites, “It would be desirable for a system to incorporate predefined authorization rules based on company policies and government requirements, and for such a system to prohibit, impede, or identify unauthorized users of equipment.” That is, Bly is suggesting a system to prohibit or identify unauthorized users of certain equipment. There is no suggestion, however, that Bly is describing a system to “prohibit the automatic data conversion of . . . stored data” into another format. Bly, Publ. App. par. [0146].

That is, Bly does not disclose, and none of the applied art discloses, the element of prohibiting the automatic data conversion of stored data. This is not the same as prohibiting unauthorized users from using equipment as described in Bly. The Bly system could be achieved by a username/password, for example, to disallow entry into, or use of, a system. There is no

suggestion in Bly of not allowing a data conversion of stored data in the system even if a user is permitted access to the system.

In contrast, claim 1 recites, “. . . wherein the user in question can prohibit the automatic conversion of the stored data of the user in question into a format compatible with the type of terminal apparatus used by the user other than the user in question.” In an aspect of the present invention, there are multiple users each being able to access the stored data of other users through any of the one or more terminal apparatuses used by the users other than the user in question. Thus, in the present invention, even a requesting user authorized to access the system can be prohibited by the user-in-question from having the user-in-question’s data from being converted to a format useful to the requesting user. The recited feature is not disclosed in Bly.

Neither Chou nor Puri adds the element missing from Bly as discussed above..

The highlighted aspect of the present invention allows the data deposited by the user-in-question to be not only utilized by the same user but also shared by other users. The user-in-question can prohibit automatic data format conversion to be performed by this system for any particular other user. If data conversion is not prohibited, the conversion process is the same as in the case of the user-in-question storing and retrieving data to and from the system. Publ. App. pars. [0028]-[0029].

Applicants respectfully assert claim 1 is patentable over Chou, Bly and Puri because those references taken alone or in combination do not teach or suggest each and every element recited in the claim.

Independent claims 7 and 8 are believed patentable for substantially the same reasons as claim 1.

CONCLUSION

Claims 1-8 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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